

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMY M. WINE,

Plaintiff,

ORDER

v.

08-cv-72-bbc

C.O. PONTOW, *et al.*

Defendants.

JEREMY M. WINE,

Plaintiff,

ORDER

v.

08-cv-173-bbc

WILLIAM POLLARD, *et al.*

Defendants.

In an order entered December 16, 2008, I denied plaintiff's "Motion for Preliminary Injunction, Contempt of Court Order, Arrest Warrants, and Search Warrants against all Defendants/or Motion for Judgment," in which he complained that he was not receiving a full opportunity to receive his legal materials while in segregation. As I explained, from the parties' submissions on the matter it appeared that plaintiff's failure to access his legal materials was more a result of his own stubbornness and lack of focus than any wrongdoing by prison officials because he was offered legal materials but refused them when he couldn't get *all* of them. Now plaintiff has moved for reconsideration of that order and requested another extension of his deadline for filing opposition material in Wine v. Pontow, 08-cv-72-bbc, arguing that his lack of access to the materials is not his fault because the necessary legal materials are in separate file folders, of which he was given only "bits and pieces" and is not allowed to switch for other materials.

I am skeptical of plaintiff's assertions, but that does not matter. Plaintiff has explained that the reason he "needs" these other legal materials is because they include documentation showing that defendants in Wine v. Pontow, 08-cv-72-bbc have lied. The only claims at issue in that case are that defendants assaulted him, threw urine on him and refused to allow him to shower after doing so. It is hard to see why plaintiff would need anything more than his own affidavit testimony to dispute

the relevant facts. Plaintiff should focus on the materials that he has and his own memory of the relevant events to prepare his opposition to defendants' motion for summary judgment. I will not reconsider the order denying plaintiff's "Motion for Preliminary Injunction, Contempt of Court Order, Arrest Warrants, and Search Warrants against all Defendants/or Motion for Judgment" and I will not grant plaintiff's request for another extension of time; his opposition is due December 31, 2008, as previously ordered. Plaintiff should use what time remains wisely.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of the December 16, 2008 order denying his "Motion for Preliminary Injunction, Contempt of Court Order, Arrest Warrants, and Search Warrants against all Defendants/or Motion for Judgment" and for an extension of time to file an opposition to defendants' motion for summary judgment (Dkt. 95 in 08-cv-72-bbc and dkt. 69 in 08-cv-173-bbc) is DENIED.

Entered this 24th day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge